

# HB2397



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB2397

Introduced 2/17/2021, by Rep. Anne Stava-Murray

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Chicago Officer Recall Act (referred to as the Laquan McDonald Law). Establishes a procedure for an election to recall the Mayor of Chicago, an alderman of the City of Chicago, and the Cook County State's Attorney. Effective immediately.

LRB102 13934 SMS 19285 b

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title.

5 (a) Short title. This Act may be cited as the Chicago  
6 Officer Recall Act.

7 (b) References to Act. This Act may be referred to as the  
8 Laquan McDonald Law.

9 Section 5. Applicability. If this Act conflicts with any  
10 other provisions of law, this Act shall control  
11 notwithstanding those other provisions of law.

12 Section 10. Definitions. As used in this Act:

13 "Alderman" means an alderman of the City of Chicago.

14 "Board of election commissioners" means the Board of  
15 Election Commissioners for the City of Chicago.

16 "Mayor" means the Mayor of Chicago.

17 "Proponent" means a voter who initiates a recall petition  
18 and has control over circulating and obtaining signatures for  
19 the recall petition.

20 Section 15. Mayor of Chicago recall election.

21 (a) The recall of the Mayor of Chicago may be proposed by a

1 petition signed by a number of electors equal in number to at  
2 least 10% of the total votes cast for Mayor in the preceding  
3 election. A petition shall have been signed by the petitioning  
4 electors not more than 150 days after an affidavit has been  
5 filed with the board of election commissioners providing  
6 notice of intent to circulate a petition to recall the Mayor.  
7 The affidavit may be filed no sooner than 6 months after the  
8 beginning of the Mayor's term of office. The affidavit shall  
9 have been signed by the proponent of the recall petition and at  
10 least 2 aldermen. All proponents of a recall petition must be  
11 registered voters who, based on their residence, are qualified  
12 to vote for the office of Mayor.

13 (b) The form of the petition, circulation, and procedure  
14 for determining the validity and sufficiency of a petition  
15 shall be as provided by law. If the petition is valid and  
16 sufficient, the board of election commissioners shall certify  
17 the petition not more than 7 days after the date the petition  
18 was filed, and the question "Shall (name) be recalled from the  
19 office of Mayor?" must be submitted to the electors at a  
20 special recall election called by the board of election  
21 commissioners, to occur not more than 60 days after  
22 certification of the petition. A recall petition certified by  
23 the board of election commissioners may not be withdrawn and  
24 another recall petition may not be initiated against the Mayor  
25 within the 6 months after a recall election failed to remove  
26 the Mayor or if the Mayor has less than 6 months remaining in

1 his or her term. Any recall petition or recall election  
2 pending on the date of the next election at which a candidate  
3 for Mayor is elected is void.

4 (c) If a petition to recall the Mayor has been filed with  
5 the board of election commissioners, a person eligible to  
6 serve as Mayor may propose his or her candidacy for the special  
7 successor primary election by a petition signed by at least  
8 12,500 legal voters of the city, signed not more than 50 days  
9 after a recall petition has been filed with the board of  
10 election commissioners. All petitions, and procedure with  
11 respect thereto, shall conform in other respects to the  
12 provisions of the election and ballot laws then in force in the  
13 City of Chicago concerning the nomination of independent  
14 candidates for public office by petition. If the successor  
15 election petition is valid and sufficient, the board of  
16 election commissioners shall certify the petition not more  
17 than 60 days after the date the petition to recall the Mayor  
18 was filed.

19 If the Mayor is removed by the special recall election,  
20 the names of candidates for Mayor must be submitted to the  
21 electors at a special successor primary election called by the  
22 board of election commissioners to be held 60 days after the  
23 special recall election. If no candidate receives a majority  
24 of the votes in the special successor primary election, a  
25 special runoff election shall be held no later than 60 days  
26 after the special successor primary election, and only the

1 names of the candidates receiving the highest and second  
2 highest number of votes at the special successor primary  
3 election shall appear on the ballot. If more than one  
4 candidate received the highest or second highest number of  
5 votes at the special successor primary election, the names of  
6 all candidates receiving the highest and second highest number  
7 of votes shall appear on the ballot at the special runoff  
8 election. The candidate receiving the highest number of votes  
9 at the special runoff election shall be declared elected.

10 (d) The Mayor is immediately removed upon certification of  
11 the special recall election results if a majority of the  
12 electors voting on the question vote to recall the Mayor. If  
13 the Mayor is removed, then (i) the Vice Mayor shall serve until  
14 the Mayor elected at the special successor primary election or  
15 special runoff election is qualified and (ii) the candidate  
16 who receives a majority of votes in the special primary  
17 election or the candidate who receives the highest number of  
18 votes in the special runoff election is elected Mayor for the  
19 balance of the term.

20 Section 20. Chicago Alderman recall election.

21 (a) The recall of any alderman of the City of Chicago may  
22 be proposed by a petition signed by a number of electors equal  
23 in number to at least 10% of the total votes cast in the  
24 preceding aldermanic election in that ward, or 3 times the  
25 amount of signatures needed to be nominated by law, whichever

1 is greater. A petition shall have been signed by the  
2 petitioning electors not more than 150 days after an affidavit  
3 has been filed with the board of election commissioners  
4 providing notice of intent to circulate a petition to recall  
5 the alderman. The affidavit may be filed no sooner than 6  
6 months after the beginning of the alderman's term of office.  
7 All proponents of a recall petition must be registered voters  
8 who, based on their residence, are qualified to vote for the  
9 alderman against which the recall petition is filed.

10 (b) The form of the petition, circulation, and procedure  
11 for determining the validity and sufficiency of a petition  
12 shall be as provided by law. If the petition is valid and  
13 sufficient, the board of election commissioners shall certify  
14 the petition not more than 7 days after the date the petition  
15 was filed, and the question "Shall (name) be recalled from the  
16 office of Alderman for the (ward number) Ward?" must be  
17 submitted to the electors at a special recall election called  
18 by the board of election commissioners, to occur not more than  
19 60 days after certification of the petition. A recall petition  
20 certified by the board of election commissioners may not be  
21 withdrawn and another recall petition may not be initiated  
22 against the alderman within the 6 months after a recall  
23 election failed to remove the alderman or if the alderman has  
24 less than 6 months remaining in his or her term. Any recall  
25 petition or recall election pending on the date of the next  
26 election at which a candidate for alderman is elected is void.

1 (c) If a petition to recall the alderman has been filed  
2 with the board of election commissioners, a person eligible to  
3 serve as alderman may propose his or her candidacy for the  
4 special successor primary election by a petition signed by at  
5 least 500 legal voters of the city, signed not more than 50  
6 days after a recall petition has been filed with the board of  
7 election commissioners. All petitions, and procedure with  
8 respect thereto, shall conform in other respects to the  
9 provisions of the election and ballot laws then in force in the  
10 City of Chicago concerning the nomination of independent  
11 candidates for public office by petition. If the successor  
12 election petition is valid and sufficient, the board of  
13 election commissioners shall certify the petition not more  
14 than 60 days after the date the petition to recall the alderman  
15 was filed.

16 If the alderman is removed by the special recall election,  
17 the names of candidates for alderman must be submitted to the  
18 electors at a special successor primary election called by the  
19 board of election commissioners to be held 60 days after the  
20 special recall election. If no candidate receives a majority  
21 of the votes in the special successor primary election, a  
22 special runoff election shall be held no later than 60 days  
23 after the special successor primary election, and only the  
24 names of the candidates receiving the highest and second  
25 highest number of votes at the special successor primary  
26 election shall appear on the ballot. If more than one

1 candidate received the highest or second highest number of  
2 votes at the special successor primary election, the names of  
3 all candidates receiving the highest and second highest number  
4 of votes shall appear on the ballot at the special runoff  
5 election. The candidate receiving the highest number of votes  
6 at the special runoff election shall be declared elected.

7 (d) The alderman is immediately removed upon certification  
8 of the special recall election results if a majority of the  
9 electors voting on the question vote to recall the alderman.  
10 If the alderman is removed, then (i) a special successor  
11 primary election or special runoff election shall be held to  
12 determine the next alderman and (ii) if no candidates are  
13 presented to the board of election commissioners within the  
14 times required by subsection (c) of this Section, then a  
15 replacement alderman shall be appointed as provided by law in  
16 the event of a vacancy in the office.

17 Section 25. Cook County State's Attorney recall election.

18 (a) The recall of the Cook County State's Attorney may be  
19 proposed by a petition signed by a number of electors equal in  
20 number to at least 5% of the total votes cast for Cook County  
21 State's Attorney in the preceding election. A petition shall  
22 have been signed by the petitioning electors not more than 150  
23 days after an affidavit has been filed with the Cook County  
24 Clerk providing notice of intent to circulate a petition to  
25 recall the Cook County State's Attorney. The affidavit may be



1 filed no sooner than 6 months after the beginning of the Cook  
2 County State's Attorney's term of office. All proponents of a  
3 recall petition must be registered voters who, based on their  
4 residence, are qualified to vote for the office of Cook County  
5 State's Attorney.

6 (b) The form of the petition, circulation, and procedure  
7 for determining the validity and sufficiency of a petition  
8 shall be as provided by law. If the petition is valid and  
9 sufficient, the Cook County Clerk shall certify the petition  
10 not more than 7 days after the date the petition was filed, and  
11 the question "Shall (name) be recalled from the office of Cook  
12 County State's Attorney?" must be submitted to the electors at  
13 a special recall election called by the Cook County Clerk, to  
14 occur not more than 60 days after certification of the  
15 petition. A recall petition certified by the Cook County Clerk  
16 may not be withdrawn and another recall petition may not be  
17 initiated against the Cook County State's Attorney within the  
18 6 months after a recall election failed to remove the Cook  
19 County State's Attorney or if the Cook County State's Attorney  
20 has less than 6 months remaining in his or her term. Any recall  
21 petition or recall election pending on the date of the next  
22 election at which a candidate for Cook County State's Attorney  
23 is elected is void.

24 (c) If a petition to recall the Cook County State's  
25 Attorney has been filed with the Cook County Clerk, a person  
26 eligible to serve as Cook County State's Attorney may propose

1 his or her candidacy for the special successor primary  
2 election by a petition signed by at least 20,000 legal voters  
3 of Cook County, signed not more than 50 days after a recall  
4 petition has been filed with the Cook County Clerk. All  
5 petitions, and procedure with respect thereto, shall conform  
6 in other respects to the provisions of the election and ballot  
7 laws then in force in Cook County concerning the nomination of  
8 independent candidates for public office by petition. If the  
9 successor election petition is valid and sufficient, the Cook  
10 County Clerk shall certify the petition not more than 60 days  
11 after the date the petition to recall the Cook County State's  
12 Attorney was filed.

13 If the Cook County State's Attorney is removed by the  
14 special recall election, the names of candidates for Cook  
15 County State's Attorney must be submitted to the electors at a  
16 special successor primary election called by the Cook County  
17 Clerk to be held 60 days after the special recall election. If  
18 no candidate receives a majority of the votes in the special  
19 successor primary election, a special runoff election shall be  
20 held no later than 60 days after the special successor primary  
21 election, and only the names of the candidates receiving the  
22 highest and second highest number of votes at the special  
23 successor primary election shall appear on the ballot. If more  
24 than one candidate received the highest or second highest  
25 number of votes at the special successor primary election, the  
26 names of all candidates receiving the highest and second

1 highest number of votes shall appear on the ballot at the  
2 special runoff election. The candidate receiving the highest  
3 number of votes at the special runoff election shall be  
4 declared elected.

5 (d) The Cook County State's Attorney is immediately  
6 removed upon certification of the special recall election  
7 results if a majority of the electors voting on the question  
8 vote to recall the Cook County State's Attorney. If the Cook  
9 County State's Attorney is removed, then (i) a special  
10 successor primary election or special runoff election shall be  
11 held to determine the next Cook County State's Attorney and  
12 (ii) if no candidates are presented to the Cook County Clerk  
13 within the times required by subsection (c) of this Section,  
14 then a replacement Cook County State's Attorney shall be  
15 appointed as provided by law in the event of a vacancy in the  
16 office.

17 Section 30. Petitions.

18 (a) The following must be included in any recall petition  
19 submitted under this Act:

20 (1) The name and title of the officer to be recalled  
21 under the petition.

22 (2) A statement, not exceeding 200 words in length, of  
23 the reasons for the proposed recall.

24 (3) The printed name, signature, and residential  
25 address of each of the proponents of the recall.

1           (b) Within 7 days of the filing of a notice of intent to  
2 recall the officer, the officer against whom a recall petition  
3 is being attempted can officially file an answer, not  
4 exceeding 200 words in length, to the proponents and a  
5 statement of defense against the recall attempt.

6           (c) Proponents shall, if possible, publish a notice of  
7 intent to circulate a recall petition in an English language  
8 newspaper of general circulation in the relevant jurisdiction.  
9 If no newspaper operates in the jurisdiction of the officer to  
10 be recalled, proponents must post the notice of intent in at  
11 least 3 public places.

12           Section 99. Effective date. This Act takes effect upon  
13 becoming law.